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**To: Examiner John H. Le
Art Unit: 2863
Confirmation No.: 9180**

From: Leopold Presser, Esq.

Fax: 703-872-9306

Pages: 7 pages including cover sheet

Phone:

Date: May 23, 2005

**Re: Gheorghe C. Cascaval, et al.
U.S. Serial No. 10/688,293
Filed: 10/17/03
Group Art Unit: 2863
Confirmation No. 9180
Docket No. YOR920030301US1 (16832)**

CC:

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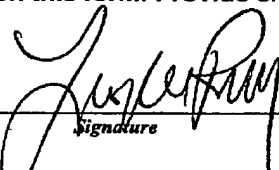
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1. Amendment Transmittal (in duplicate)
2. Response to Restriction Requirement (in duplicate)
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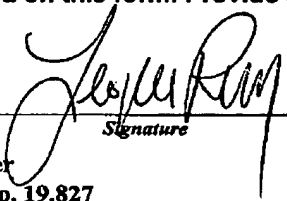
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)	
Applicant(s): Gheorghe C. Cascaval, et al.	
Docket No. YOR920030301US1 (16832)	
Application No. 10/688,293	Filing Date October 17, 2003
Examiner John H. Le	Group Art Unit 2863
Invention: A MECHANISM FOR ON-LINE PREDICTION OF FUTURE PERFORMANCE MEASUREMENTS IN A COMPUTER SYSTEM	
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AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. YOR920030301US1 (16832)									
Applicant(s): Gheorghe C. Cascaval, et al.														
Application No. 10/688,293	Filing Date October 17, 2003	Examiner John H. Le	Customer No. 23389	Group Art Unit 2863	Confirmation No. 9180									
Invention: A MECHANISM FOR ON-LINE PREDICTION OF FUTURE PERFORMANCE MEASUREMENTS IN A COMPUTER SYSTEM														
COMMISSIONER FOR PATENTS:														
Transmitted herewith is an amendment in the above-identified application.														
The fee has been calculated and is transmitted as shown below.														
CLAIMS AS AMENDED														
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE									
TOTAL CLAIMS	24 -	24 =	0	x \$50.00	\$0.00									
INDEP. CLAIMS	6 -	6 =	0	x \$200.00	\$0.00									
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00									
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00									
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-0510/IBM <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.														
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 Leopold Presser Registration No. 19,827 Scully, Scott, Murphy & Presser 400 Garden City Plaza-Site 300 Garden City, New York 11530 (516) 742-4343			Dated: May 23, 2005 (Mon.)											
cc: JSS/LP:ab			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1459, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td style="width: 50%; text-align: center;">(Date)</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ Signature of Person Mailing Correspondence</td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1459, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)		_____ Signature of Person Mailing Correspondence		_____ Typed or Printed Name of Person Mailing Correspondence	
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(Date)														
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AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No.						
Applicant(s): Gheorghe C. Cascaval, et al.					YOR920030301US1 (16832)						
Application No. 10/688,293	Filing Date October 17, 2003	Examiner John H. Le	Customer No. 23389	Group Art Unit 2863	Confirmation No. 9180						
Invention: A MECHANISM FOR ON-LINE PREDICTION OF FUTURE PERFORMANCE MEASUREMENTS IN A COMPUTER SYSTEM											
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CLAIMS AS AMENDED											
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE						
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INDEP. CLAIMS	6 -	6 =	0	x \$200.00	\$0.00						
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00						
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-0510/IBM</p> <p><input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>											
<div style="text-align: center;"> Signature</div> <p>Leopold Presser Registration No. 19,827 Scully, Scott, Murphy & Presser 400 Garden City Plaza-Site 300 Garden City, New York 11530 (516) 742-4343</p>			<p>Dated: May 23, 2005 (Mon.)</p> <table border="1" style="width: 100%; border-collapse: collapse;"><tr><td colspan="2" style="padding: 5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td></tr><tr><td style="width: 50%; text-align: center;">(Date)</td><td style="width: 50%; text-align: center;">Signature of Person Mailing Correspondence</td></tr><tr><td colspan="2" style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</td></tr></table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)	Signature of Person Mailing Correspondence	Typed or Printed Name of Person Mailing Correspondence	
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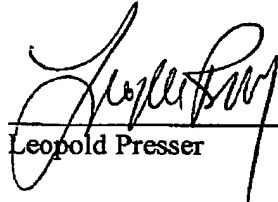
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Gheorghe C. Cascaval, et al.**Examiner:** John H. Le**Serial No:** 10/688,293**Art Unit:** 2863**Filed:** October 17, 2003**Docket:** YOR920030301US1 (16832)**For:** A MECHANISM FOR ON-LINE
PREDICTION OF FUTURE
PERFORMANCE MEASUREMENTS
IN A COMPUTER SYSTEM**Dated:** May 23, 2005**Confirmation No.:** 9180Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In an Office Action dated April 22, 2005, the Examiner argued that this application includes two separate groups of claims, and required that the application be restricted to claims directed to one of these two groups.

CERTIFICATION OF FACSIMILE TRANSMISSION

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Dated: May 23, 2005

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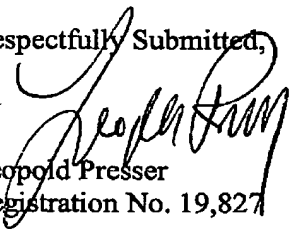
- I. Claims 1-14, drawn to a system for predicting future values of a target metric associated with a task executed on a computer system.
- II. Claims 15-24, drawn to an apparatus for periodically reconfiguring an adaptive computer system based on future behavior predictions.

Specifically, the Examiner required that the application be restricted either to Claims 1-14, which are drawn to a system for predicting future values of a target metric, or to Claims 15-24, which are drawn to an apparatus for periodically reconfiguring an adaptive computer system based on future behavior predictions. The Examiner argued that these two groups of claims are unrelated to each other.

Applicants hereby elect Claims 1-14 for prosecution in this case. Applicants expressly reserve the right to file a divisional application for Claims 15-24.

If the Examiner has any questions about this matter, the Examiner is asked to telephone the undersigned.

Respectfully Submitted,



Leopold Presser
Registration No. 19,827

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